

## **REMARKS**

Claims 1-5 remain pending in the present application. Claims 1-4 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

### **OBJECTION TO THE DRAWINGS**

The Examiner has objected to the drawings for various informalities. Applicants have amended Claims 3 and 4 and believe the claims to overcome the Examiner's objection to the drawings.

### **OBJECTION TO THE SPECIFICATION**

With respect to the Examiner's objection to the specification, Applicants draw the Examiner's attention to paragraphs [0034] and [0038]. Applicants believe that the side and radial lips as well as the main and sub lips are clearly defined in these paragraphs.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

The Examiner has rejected Claims 1-5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended Claims 1-4 in an attempt to overcome the Examiner's §112 rejection. In view of the amendments, Applicants believe the claims to overcome the Examiner's rejection and respectfully request withdrawal of the same.

### **CLAIM REJECTIONS UNDER 35 U.S.C §102(b)**

The Examiner has rejected Claim 1-3 under 35 U.S.C. §102(b) alleging them to

be anticipated by JP 2001-289257 (herein the "Japanese reference").

Claim 1 has been amended. Claim 1 further defines that the sealing lips are in sliding contact with a sliding surface of a member of the rotational side. The maximum height,  $R_y$  or  $R_{max}$ , of the surface roughness of the sliding surface of the member of the rotational side is limited to a value of  $2.0\mu\text{m}$  or less and that the run-out of the sliding surface is limited to value of  $30\mu\text{m}$  or less.

The Japanese reference cited by the Examiner fails to illustrate Applicants' claim. As indicated by the Examiner, the Japanese reference illustrates that the surface roughness at the engagement of part (11) with the inner member (1) is controlled to  $R_{max}$  of  $3.0\mu\text{m}$  or less. This is the interference fit between the slinger 11 and the inner member (1). This is not as claimed by Applicants. Applicants claim that the sealing lips are in sliding contact with a sliding surface. The sliding surface is limited to a value of  $2.0\mu\text{m}$ . Accordingly, the Japanese reference does not illustrate Applicants' claim.

Accordingly, Applicants believe Claim 1 to be patentably distinct over the art cited by the Examiner. Likewise, Claims 2-5, which depend from Claim 1, are patentably distinguishable over the cited reference.

#### **CLAIM REJECTIONS UNDER 35 U.S.C §103(a)**

The Examiner has rejected Claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over the Japanese reference further in view of Uchida et al. (U.S. Patent No. 5,037,213). The Examiner alleges the combination of the Japanese reference with Uchida et al. as well as the Japanese reference itself discloses Applicant's claims.

As mentioned above, the Japanese reference does not illustrate Applicants' claim. The combination with Uchida et al. fails to overcome the deficiencies of the

Japanese reference. Accordingly, Applicant believes Claims 4 and 5 to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

  
\_\_\_\_\_  
W.R. Duke Taylor  
Reg. No. 31,306  
Attorney for Applicants

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303  
(248) 641-1600

Date: August 28, 2008  
WRDT/lkj

Attorney Docket No. 6340-000071/NP